














***I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN***  
**RESOLUTIONS**

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Adopted	Date Referred	Referred to	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
164-35 (COR)	Telena Cruz Nelson Therese M. Terlaje Sabina Flores Perez Telo Taitague Jose "Pedro" Terlaje Kelly Marsh (Taitano), PhD Clynton E. Ridgell Joe S. San Agustin William M. Castro Louise B. Muña Amanda L. Shelton Régine Biscoe Lee Tina Rose Muña Barnes	Relative to urging for the support of Governor Lourdes Leon Guerrero to call for a pause to clearing, pre-construction, data recovery and construction activities related to the U.S. Department of the Navy's proposed Live-Fire Training Range Complex at Northwest Field or Tailalo, adjacent to Litekyan in order to ensure the protection of the environment and historic and cultural resources of the northern coastline of Guam.	6/24/19 8:57 a.m.							

***I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN***  
**2019 (FIRST) Regular Session**

**Resolution No. 164-35 (COR)**

Introduced by:

Telena Cruz Nelson   
Therese M. Terlaje   
Sabina Flores Perez   
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**Relative to urging for the support of Governor Lourdes Leon Guerrero to call for a pause to clearing, pre-construction, data recovery and construction activities related to the U.S. Department of the Navy's proposed Live-Fire Training Range Complex at Northwest Field or Tailalo, adjacent to Litekyan in order to ensure the protection of the environment and historic and cultural resources of the northern coastline of Guam.**

1        **BE IT RESOLVED BY OF *I MINA'TRENTAI SINGKO NA***  
2        ***LIHESLATURAN GUÅHAN*:**

3        **WHEREAS,** Guam's Programmatic Agreement (PA) regarding the military  
4        relocation to the islands of Guam and Tinian was established in 2011 between Guam  
5        State Historic Preservation Office (GSHPO), CNMI State Historic Preservation Office

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1 (CSHPO) and the U.S. Department of Defense (DoD). The PA is a contract that  
2 demands the parties (SHPO and DoD) to comply with a process that includes  
3 consultation, review and compliance concerning historic preservation laws and outlines  
4 environmental responsibilities of the military concerning the impacts of training  
5 activities on Guam. The review process includes initiating the process, identifying  
6 historic properties, assessing adverse effects, resolving adverse effects and then  
7 proceeding. Development of a PA includes consultation with Guam State Historic  
8 Preservation Office, CNMI State Historic Preservation Office, Advisory Council on  
9 Historic Preservation (ACHP), invited signatories, concurring parties and the public,  
10 but negotiations for what actually goes in the agreement are solely between State  
11 Historic Preservation Offices (SHPO) and U.S. (DoD). The PA is a tool for  
12 accountability through procedures, impacts and mitigation; and

13 **WHEREAS**, the Programmatic Agreement was put in place to primarily uphold  
14 the National Historic Preservation Act (NHPA) which is a law that gives Guam the right  
15 to preserve historic properties that reflect historic heritage, are cultural foundations as a  
16 living part of community life and development, are the legacy of irreplaceable cultural,  
17 educational, inspirational, economic, and energy benefits, and provide increased  
18 knowledge of historic resources. Section 106 of the (NHPA) demonstrates that before  
19 the approval of Federal funds for any project, the Federal agency that has direct or  
20 indirect jurisdiction over a proposed site has to take into account the effects on such  
21 district or site to meet the requirements of the National Environmental Policy Act  
22 (NEPA); and

23 **WHEREAS**, the (NEPA) is a law that protects the environment and requires  
24 agencies to first conduct scoping, identification, assessment, and consultation to assess  
25 potential environmental impacts on current pending or future projects and activities of  
26 the military. NEPA's process match with the Programmatic Agreement process and

1 both must be done in order for the military to proceed in their proposed testing and  
2 training activities. A draft of an environmental impact statements (EIS) is to be made  
3 available to the public and a final environmental impact statement (FEIS) is to be issued  
4 shortly after; and

5 **WHEREAS**, on September 20, 2010, the U.S. Department of the Navy (DON or  
6 Navy) issued its Record of Decision (2010 ROD) based on the Final Environmental  
7 Impact Study (FEIS) issued earlier that year, pursuant to which the (DoD) would  
8 relocate approximately eight thousand six hundred (8,600) Marines from Okinawa to  
9 Guam and, as part of that process, construct and operate a series of live-fire training  
10 ranges not only in Guam but throughout the Marianas; and

11 **WHEREAS**, in 2011, the PA was entered into by the GSHPO on behalf of Guam  
12 as part of consultation pursuant to NHPA; and

13 **WHEREAS**, shortly after the release of the ROD (Record of Decision), the Navy  
14 reassessed the nature of the need for said live-fire training ranges, culminating in the  
15 release in 2015 of a Supplemental Environmental Impact Statement (SEIS), evaluating  
16 alternate locations for the development of a live-fire training range complex on Guam,  
17 a decision the Navy had differed in 2010; and

18 **WHEREAS**, the Navy stated it would analyze the impacts of the relocated  
19 Marines' live-fire training ranges on Tinian and Pagan in an entirely separate EIS,  
20 namely the (CNMI) Joint Military Training Environmental Impact Statement (CJMT  
21 EIS) which allows the public to participate in the NEPA process in order for the military  
22 to prepare and EIS – a draft of which was issued in April 2015. The impacts and  
23 mitigation of the CJMT EIS allow for adverse effects on proposed military training  
24 areas, but ensure the accountability of the military to go through the NEPA and PA  
25 processes in order to track the damages to these areas; and

1       **WHEREAS**, according to a publication prepared by National Lieutenant  
2       Governors Association for 2014-2015, “Through collaboration with then - Secretary of  
3       the Navy Robert Work, the Four Pillars of the military buildup was established: (1) the  
4       “One Guam” initiative which commits DoD to improving the quality of life for the  
5       people of Guam and the military personnel who call Guam home; (2) the “Green Guam”  
6       initiative which establishes that DoD is committed to developing the most energy  
7       efficient infrastructure possible and supporting Guam’s efforts to develop sustainable  
8       and renewable energy projects; (3) commitment to providing 24 hours /seven days a  
9       week unimpeded access to historical sites and sacred lands by civilians; and (4) pursue  
10      a Net-Negative strategy for DoD-owned land where they are committed better utilizing  
11      land and ultimately to having a smaller footprint on Guam after the Military Buildup  
12      than they currently hold;” and

13      **WHEREAS**, in August 2015, the Navy issued another Record of Decision (2015  
14      ROD) based on the SEIS. This second ROD reaffirmed the Navy’s 2010 decision to  
15      relocate Marines from Okinawa to the Marianas despite the lack of analysis of the live-  
16      fire training ranges on Tinian and Pagan and announced their decision to build the live  
17      fire training range on Guam adjacent to Litekyan at Northwest Field, Anderson Air  
18      Force Base (AAFB) or Taila’lo ; and

19      **WHEREAS**, in February 2016, the Navy announced its plan to issue a revised  
20      draft CJMT EIS, which has yet to be released;

21      **WHEREAS**, on July 27, 2016, Earthjustice, representing concerned citizens  
22      groups in the CNMI, filed a lawsuit under the National Environmental Policy Act  
23      (NEPA) in the United States District Court for the Northern Mariana Islands alleging  
24      the proposed live-fire training ranges in Guam and the CNMI were “cumulative and  
25      connected actions” under NEPA, which should have been considered under a single  
26      EIS, and that the Navy had desecrated the area, destroyed native forests and coral reefs,

1 and neglected to consider alternative locations outside the Mariana Islands for their  
2 firing range training sites in compliance with federal law. The lawsuit has not yet been  
3 resolved; and

4       **WHEREAS**, in 2017 a Draft Technical Report prepared by DoD's Utilities and  
5 Site Improvements, USMC Cantonment Area, Finegayan, Supplemental  
6 Archaeological Investigations for Archaeological Data Recovery in support of  
7 construction for MILCON P-715 Live Fire Training Range Complex at AAFB was  
8 reviewed by State Archaeologist of Guam, John Mark Joseph, concerning the quality  
9 of the review of the report. On July 25, 2017, John Mark Joseph informed Naval  
10 Facilities Engineering Command (NAVFAC Pacific) of concerns within the report  
11 including lack of site definitions in the field, arbitrary boundaries, insufficient  
12 information for clustering of artifacts or features, and revised maps lacked identification  
13 and evaluation. In August 2017 GSHPO confirmed the inconsistencies and pursued an  
14 extension for the review of the Draft Technical Report; and

15       **WHEREAS**, on September, 26, 2017 GSHPO confirmed the Draft Technical  
16 Report included inadequate background research, quality control of reports made for  
17 inefficient reviews, maps for potential effect from two sources did not match, agreed  
18 upon mitigation measure was changed when found that a site that was to be preserved  
19 was actually excavated causing destruction, subsurface testing was not considered, and  
20 sites were insufficiently identified, evaluated or data recovered and therefore did not  
21 show a full depiction of what the may truly represent as far as landscape, settlement and  
22 cultural practices. Guam State Historic Preservation Office informed the (ACHP) that  
23 prior to the signing of the ROD (Record of Decision) in 2015, projects on historic  
24 properties have not been thoroughly considered in projecting full effects on the land and  
25 requested a reevaluation; and

1       **WHEREAS**, on October 13, 2017, the (ACHP) advised GSHPO to refer back to  
2 the (NEPA) and PA process on solving disputes. On December 22, 2017, Department  
3 of the U.S. Navy granted a forty-five (45) day extension inclusive of the time and days  
4 to request a reevaluation, which totaled a ninety (90) day extension for the Draft  
5 Technical Report; and

6       **WHEREAS**, in May 2018 Guam SHPO invoked Stipulation XIII of the PA,  
7 objecting to the archaeological surveys used by the Department of the Navy (DON) for  
8 the Live Fire Training Range Complex (LFTRC) site, the Main Cantonment area in  
9 Finegayan South Andersen, and the Water Well Development Construction Areas.  
10 There was some resolution between the SHPO and DON regarding this objection, but  
11 more concerns were raised by the Guam SHPO at the 7<sup>th</sup> Annual PA Workshop  
12 meetings that still need to be resolved; and

13       **WHEREAS**, in August 2018, despite Guam Legislative's passage of Resolution  
14 228-34 in 2018 to pause development and construction on the firing range complex at  
15 Northwest Field, DoD had initiated their activities, according to an a August 13, 2018  
16 Stars and Stripes article, which stated, "Construction on the known distance ranges and  
17 live-fire training range complex has just begun. The \$78 million project — scheduled  
18 to be completed in fall of 2020 — will include four ranges and some support facilities."  
19 The five live fire training ranges are to be built near Guam's primary resource for  
20 drinking water, the Northern Lens Aquifer, and could cause irreversible contamination;  
21 and

22       **WHEREAS**, in late May and early June 2019 a new site was discovered with  
23 Latte-period artifacts at the live fire training range's future site at Northwest Field.  
24 Shortly after the first discovery three sites with more findings were uncovered during  
25 the clearing of vegetation at the Known Distance Rifle Range (KDRR) where 400 pieces  
26 of latte-period ceramic pottery were found in one dense area, earth ovens, various stone,

1 shell artifacts in two other areas, and lusong or mortar and pestle and ceramic scatters  
2 were found on a roadway adjacent to KDRR; and

3 **WHEREAS**, the four new discoveries of historic properties are in addition to the  
4 ninety-four (94) other known historic sites at the proposed LFTRC site. Fourteen  
5 known historic sites have already been completely removed (via “data recovery”).  
6 “Data recovery” as written in the PA is the removal of only a sampling of  
7 archaeologically relevant material (i.e. latte, lusong, earth ovens, pottery pieces, etc.)  
8 and any remaining artifacts at the site are left to the discretion of the contractor to  
9 dispose (see Appendix A 1); and

10 **WHEREAS**, at the Main Cantonment area at Finegayan at the site commonly  
11 known as Magua, three additional new discoveries were made in May and June 2019.  
12 A portion of Magua was already cleared of latte and lusong in October 2018, despite  
13 requests from the GSHPO and Guam Preservation Trust to establish an interpretive site  
14 in place to protect the artifacts found; and

15 **WHEREAS**, the largest of the five firing ranges at the proposed LFTR site is the  
16 59-acre Multipurpose Machine Gun (MPMG) Range closest to the endangered  
17 *Serianthes nelsonii* tree and is slated to be cleared next, which may result in significant  
18 harm to that tree and others, along with other species, and additional significant  
19 inadvertent discoveries of historic properties; and

20 **WHEREAS**, the July 2017 Biological Opinion issued by the U.S. Fish and  
21 Wildlife Service discusses the clearing of a total of 1,219 acres of limestone forest  
22 habitat, including the clearing of 187 acres of limestone forest habitat at Northwest  
23 Field, the clearing of 212 acres of limestone forest habitat for the hand grenade range,  
24 urban terrain training area and other activities at Andersen South, the clearing of 12  
25 acres of limestone forest habitat for well fields and water system at Andersen Air Force  
26 Base, and the 683 acres of limestone forest for cantonment at Finegayan. In the past



1 the U.S. military has brought destructive invasive species such as the brown tree snake,  
2 which have endangered and caused extinction of the majority of our native wildlife  
3 animals and plants. The U.S. military has been on land and property that cultivate native  
4 plant and animal habitats, which DoD claims to preserve and protect, while at the same  
5 time conducting environmentally destructive training and testing on and around those  
6 same habitats (see appendix B 1); and

7       **WHEREAS**, the *Serianthes nelsonii* or hayun lagu tree, the only reproductive  
8 tree on Guam, along with *Pteropus mariannus mariannus* (Mariana fruit bat or *fanihi*),  
9 *Hypolimnas octocula marianensis* (Mariana eight-spot butterfly or *ababbang*),  
10 *Tabernaemontana rotensis*, *Heritiera longipetiolata* (*ufa halumtanu*), and *Cycas*  
11 *micronesica* (*fadang*) are all threatened, endangered, or critically endangered species  
12 mostly incorporated in DoD controlled properties. The limestone forest provides a  
13 habitat that is vital to the survival of all these species especially the *Serianthes nelsonii*  
14 tree, which is the last of its kind. Else Demeulenaere, Associate Director of the Center  
15 for Island Sustainability and Biologist stated, “A hundred (100) feet buffer is not enough  
16 to sustain a healthy *Serianthes* population surrounded by a healthy forest. The current  
17 tree and the seedlings should be preserved as a viable *Serianthes* population, because  
18 the seedlings thrive in the current enclosure.” The seedlings of the *Serianthes* tree are  
19 found under the tree and should not be uprooted or replanted, but be allowed to thrive  
20 in its natural habitat where its currently stands (see Appendix B 1 and Appendix B 2);  
21 and

22       **WHEREAS**, the limestone forest provides an even larger forested area serving  
23 as habitat for eleven endangered species: *Pteropus mariannus mariannus* (Mariana fruit  
24 bat or *fanihi*), *Hypolimnas octocula marianensis* (Mariana eight-spot butterfly or  
25 *ababbang*), *Bulbophyllum guamense* (*siboyas halumtanu*), *Dendrobium guamense*,  
26 *Tuberolabium guamense*, *Cycas micronesica* (*fadang*), *Heritiera longipetiolata* (*ufa*

1 *halumtanu*), and *Tabernaemontana rotensis*, *Partula radiolata* (Guam tree snail or  
2 *akaleha*), *Samoana fragilis* (fragile tree snail or *akaleha dogas*), and *Partula gibba*  
3 (humped tree snail or *akaleha*). In total, approximately 78 acres (32 ha) of primary  
4 limestone forest and 109 ac (44 ha) of secondary limestone forest would be permanently  
5 cleared for construction of the live fire training range complex (LFTRC); and

6 **WHEREAS**, the Endangered Species Act requires a Biological Opinion when  
7 endangered and/or threatened species may be adversely impacted by federal actions.  
8 Furthermore, the Biological Opinion may be re-initiated “where discretionary federal  
9 involvement or control over the action has been retained or is authorized by law and:  
10 (a) If the amount or extent of taking specified in the incidental take statement is  
11 exceeded; (b) If new information reveals effects of the action that may affect listed  
12 species or critical habitat in a manner or to an extent not previously considered; (c) If  
13 the identified action is subsequently modified in a manner that causes an effect to the  
14 listed species or critical habitat that was not considered in the Biological Opinion; or  
15 (d) If a new species is listed or critical habitat designated that may be affected by the  
16 identified action.” 50 C.F.R. § 402.16; and

17 **WHEREAS**, genetic studies are currently being conducted to determine or  
18 confirm that two distinct sub-types of *Serianthes nelsonii* exist between Rota and Guam,  
19 which would constitute as “new information” that would trigger re-initiation of the  
20 Biological Opinion for the *Serianthes nelsonii*; and

21 **WHEREAS**, if formal consultation must be reinitiated, the Navy cannot, prior to  
22 the completion of the consultation (i.e., issuance of a new biological opinion) “make  
23 any irreversible or irretrievable commitment of resources with respect to the agency  
24 action which has the effect of foreclosing the formulation or implementation of any  
25 reasonable and prudent alternative measures” necessary to avoid jeopardy to any listed  
26 species. 16 U.S.C. § 1536(d); and

1       **WHEREAS**, in addition to LFTRC clearing activities, the proposed action will  
2     create a Surface Danger Zone (SDZ) over approximately 68 percent of the Guam  
3     National Wildlife Refuge (GNWR) at Ritidian Point during operation of the LFTRC.  
4     The SDZ will cover the GNWR access road, visitor center, offices, and other facilities  
5     and thereby limit access to the GNWR while firing occurs at the LFTRC. Any entry  
6     into GNWR will require scheduling with and approval by LFTRC Range Control  
7     personnel. The limited access that GNWR staff will have to the refuge property during  
8     the estimated (9.75) months per year the LFTRC is active will limit the amount of  
9     habitat management that can occur at the GNWR; and

10       **WHEREAS**, LFTRC utilization is estimated to be 39 weeks per year, which  
11     would deny access to GNWR and fishing within the SDZ area for nine months of the  
12     year; and

13       **WHEREAS**, on June 18, 2019, a collective of twenty (20) local organizations  
14     and businesses signed and transmitted a request to pause the clearing of vegetation and  
15     construction of the Marine's Cantonment at Finegayan and of the LFTRC submitted to  
16     Governor Lourdes Leon Guerrero. The letter details concern of the military's actions in  
17     moving artifacts without consultation or consent from the Government of Guam, nor  
18     SHPO nor, the people of Guam, who are expressing their concern through this letter;

19       **WHEREAS**, CHamorus and the people of Guam have the right to preserve these  
20     cultural and historic properties as well as the life within the properties. It is critical that  
21     no further development or construction for the live-firing range at North west Field is  
22     carried out, in order to prevent the irreversible and total destruction of our historical and  
23     cultural sites and to protect the inestimable value of the land, resources, wildlife, plants  
24     and historical artifacts of Guam, now, therefore be it

25       **RESOLVED**, that *I Mina'trentai Singko Na Liheslaturan Guåhan* does hereby,  
26     on behalf of *I Liheslaturan Guåhan* and the people of Guam, respectfully urge Governor

1 Lourdes Leon Guerrero to call for a pause to clearing, pre-construction, data recovery  
2 and construction activities related to the proposed Live-Fire Training Range Complex  
3 at Northwest Field or Tailalo, adjacent to Litekyan in order to ensure the protection of  
4 the environment and historic and cultural resources of the northern coastline of Guam  
5 now; and be it further;

6 **RESOLVED**, , that the Speaker certify, and the Legislative Secretary attest to,  
7 the adoption hereof, and that copies of the same be thereafter transmitted to the  
8 Honorable Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*.

**DULY AND REGULARLY ADOPTED BY I MINA'TRENTAI SINGKO NA  
LIHESLATURAN GUÅHAN ON THE DAY  
OF JUNE 2019.**

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**TINA ROSE MUÑA BARNES**  
**Speaker**

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**AMANDA L. SHELTON**  
**Legislative Secretary**

## **Appendix**

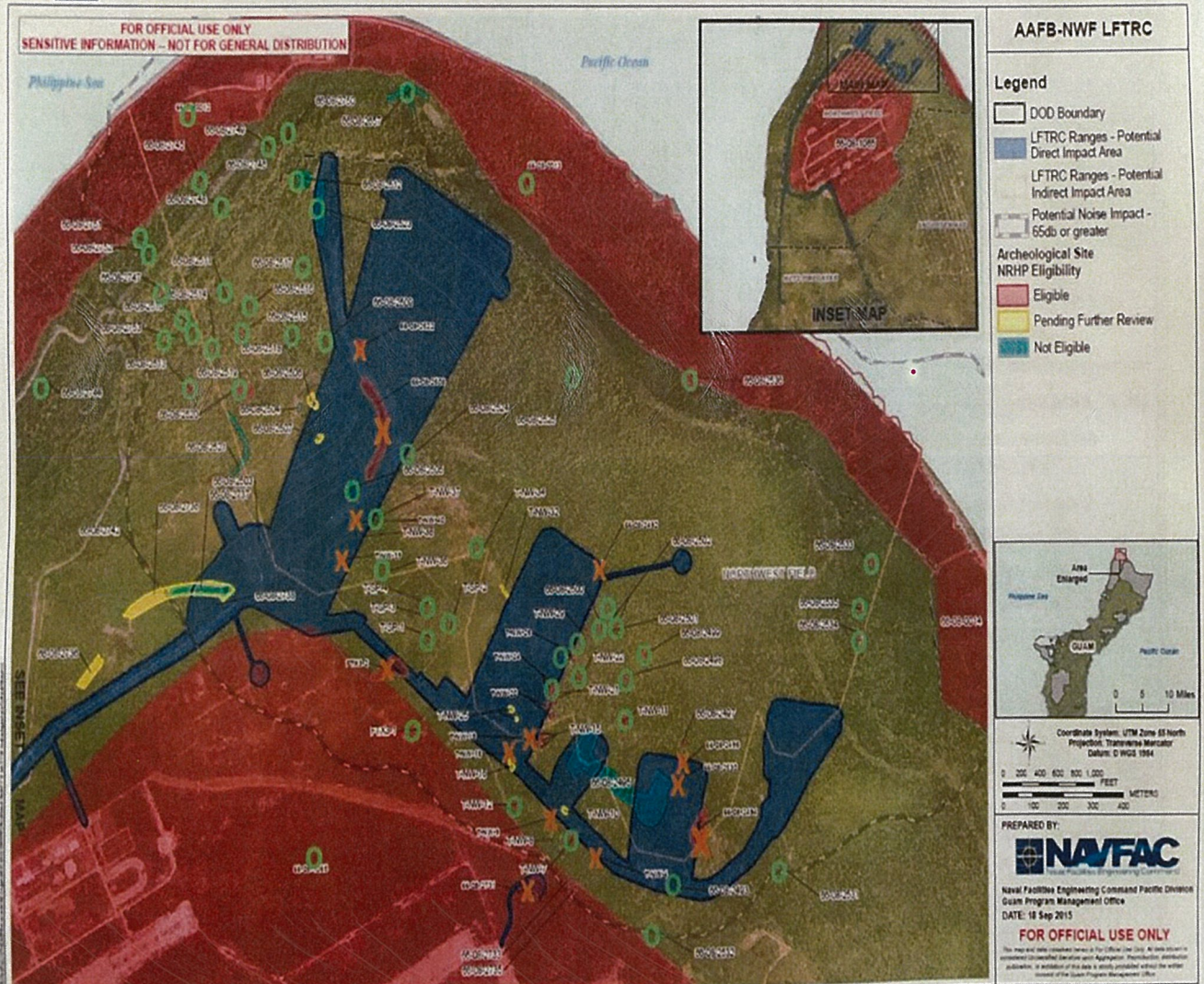
**Appendix A 1:** Guam Range Mitigation Plan (September 2015)

**Appendix B 1:** Final SEIS – Guam and Commonwealth of the Northern Mariana Islands Military Relocation (July 2015), Figure 5.5.8-3

**Appendix B 2:** Final SEIS – Guam and Commonwealth of the Northern Mariana Islands Military Relocation (July 2015), Figure 5.5.9-1



- X** = 14 Historic sites (all NRHP eligible) removed via data recovery
- O** = 80 Other Known historic (NRHP eligible and ineligible) sites
- = Live Fire Training Range Complex – Potential Direct Impact Area



Source: GUAM RANGE MITIGATION PLAN (SEPTEMBER 2015)

Note: X and O enhanced for emphasis

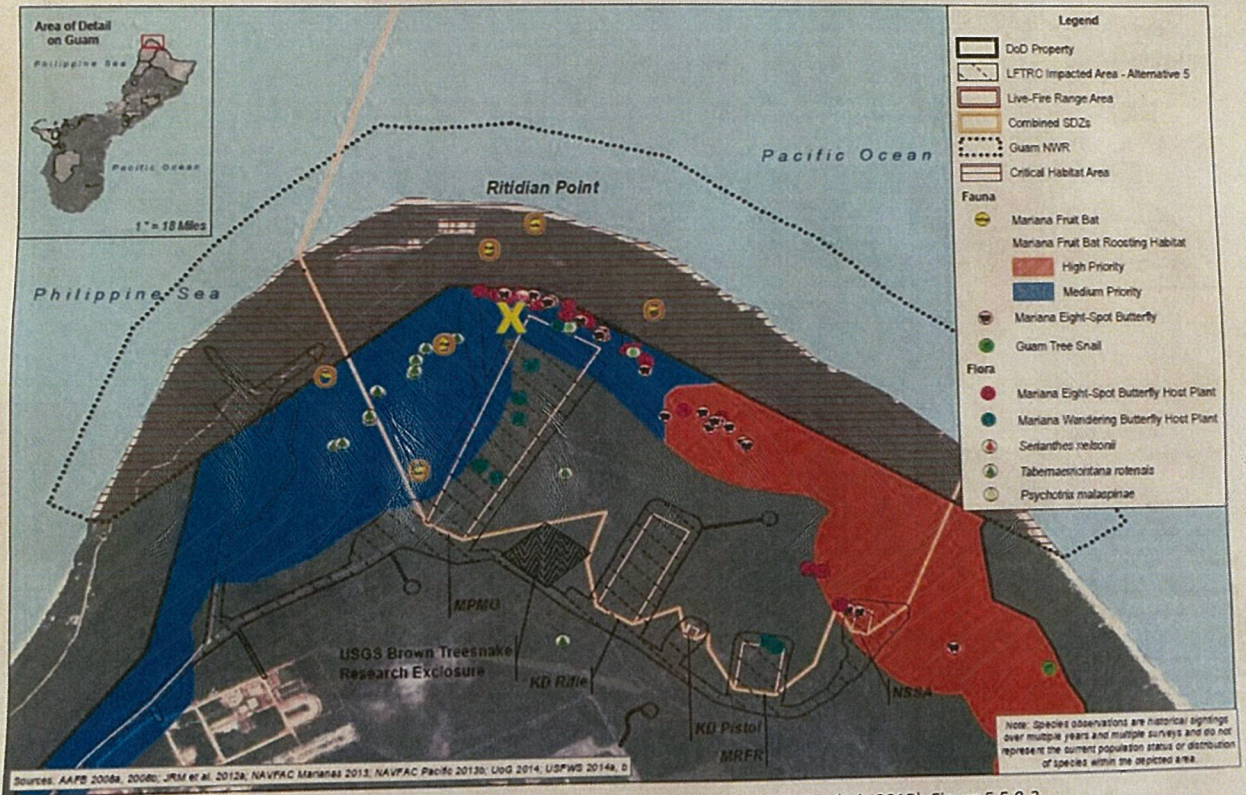
Appendix A A



# Special-Status Species Observations

X = *Serianthes nelsonii*

O = Mariana Fruit Bat

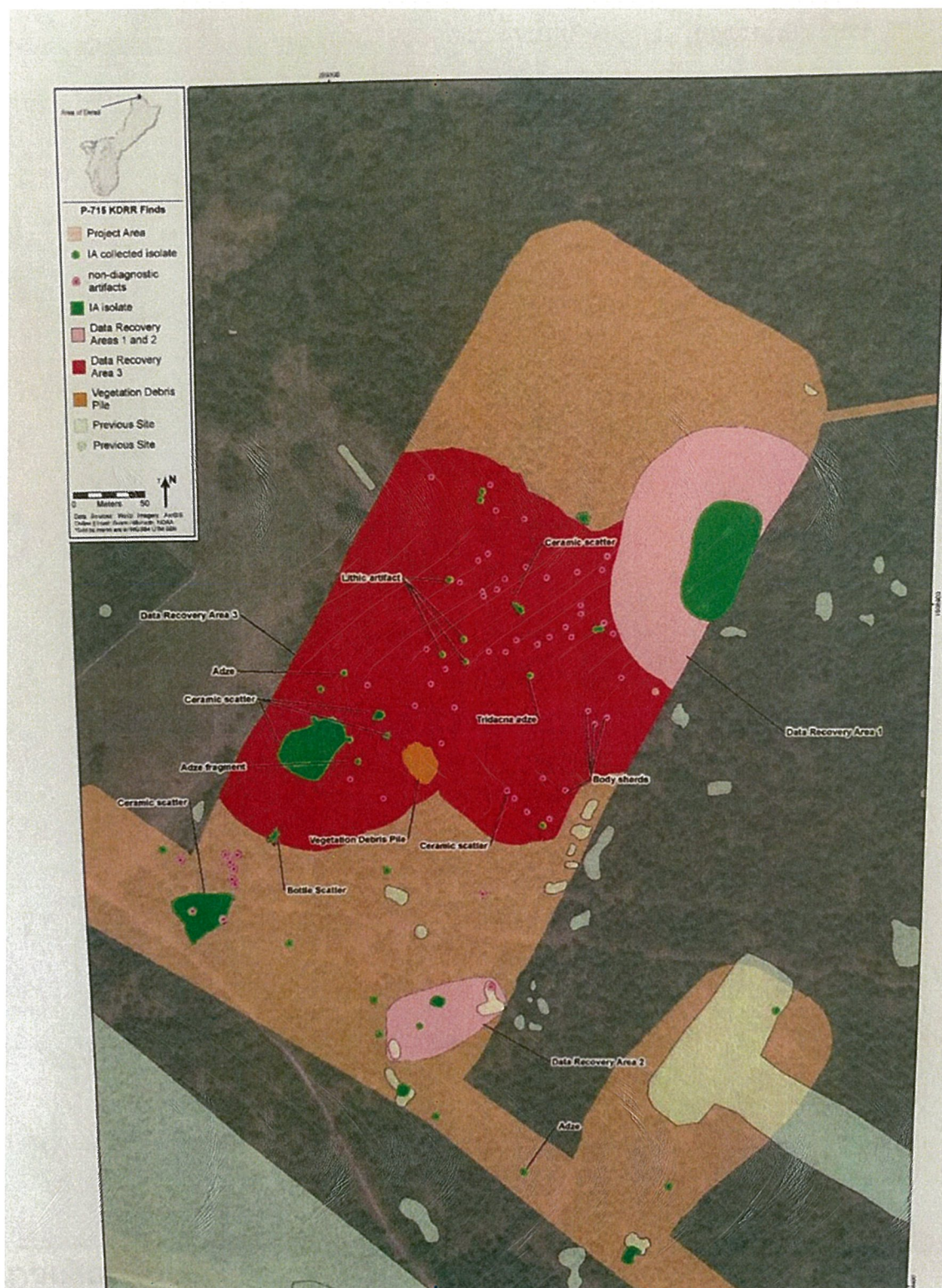


Source: Final SEIS - Guam and Commonwealth of the Northern Mariana Islands Military Relocation (July 2015), Figure 5.5.8-3

Note: X and O enhanced for emphasis

Appendix B 1





Appendix B 2